1: Herskovits E-4, 8 (1934) 1937 SV3 Haiti SV3
Mirebalais

595 593 671 The fact that Haitian law recognizes only monogamy introduces numerous overtones into the daily life of the people. If a church-wed wife discovers that her husband makes periodic visits to another woman, whether *placée* or not, serious quarreling between the legal wife and her husband follows. The "wife" may refuse to give food to her husband or to speak to him, and will upbraid him before their children, calling him *vagabond* — a strong word of opprobrium to the Haitian — and other terms which her facile tongue readily finds at hand. The status of the children under this dual family system is another reflection of the values it engenders. And though the account of this given in Mirebalais represents a folk-reaction rather than official procedure — for according to officials in the capital it does not exist in Haitian law — its value as a living belief which gives insight into the relevant attitudes outweighs its possible lack of validity in a legal sense.

858 In Mirebalais it is held that there are what may be spoken of as three classes of offspring. The first, which may be termed "natural" children, are those born to a man by his *placée* wife or wives before his Church marriage, or to a *placée* woman whose mating with him was later legalized by the rites of Church and State. The second class, the "legitimate" children, comprises those born to couples married in the strict legal sense of the word. Finally, a third category consists [898] of those who may be called "illegitimate" children, and includes all the offspring of any *placée* spouse of a man taken by him after his Church marriage, or children of any of his earlier *placée* wives born subsequent to this marriage. None of these classes of children are at any special social disadvantage, and all not only inherit the African deities of their father, but must also fulfill their spiritual obligations toward him after his death by wearing mourning and performing all other required rituals.

572 571 858 858 851 Legally, however, the matter is different, for only the children born to a marriage recorded by the justice of the peace

1: Herskovits E-4, 5 (1934) 1937 SV3 Haiti SV3
Mirebalais

belong to the father, who, in turn, is the legally recognized father of all the offspring of his wife unless he divorces her — something which, because of Church regulations, occurs but rarely. Children born outside legal marriage have no right to the name of their father. Such a one is entered under his mother's name in the record of births, though he may and often does take his father's name in school or later in life, this ultimately becoming the name by which he is known and which he hands on to his children. It is in the inheritance of the father's property that children born of the various types of matings are said to be most strongly differentiated, though it was particularly with this method of distributing heritable goods reported in Mirebalais that officials in the capital disagreed. The assertion is made that while the children of a "legal" wife inherit three quarters of the estate, and the other "natural" children receive one fourth, the "illegitimate" offspring have no legal right to any of the dead man's property. They must either be provided for by their father before his death or be aided on occasion by a natural brother who has inherited from their common father and feels a moral obligation toward these children of their father. Children of plural wives call each other by the terms "brother" and "sister," and in some instances they get on fairly well together. More generally, however, their attitudes toward one another are colored by those of their mothers, so that verbal if not physical encounters may take place when they meet.

Where, as perhaps in the majority of cases, there is a monogamous union, "legal" or "*placée*," cemented by mutual affection and mutual interest in the future of the children, life goes on calmly. Each spouse performs the tasks allotted by custom, and the children are reared in an atmosphere which varies with the fortunes and temperaments of those who make up the household. Fathers are said to prefer their daughters, and mothers their sons, among their children, but for this the Haitian has no explanation other than the phrase: "This is natural."

2: Courlander B-5 (1937-1955) 1960 SV3 Haiti SV3

handle it; lighter work first, heavier work later. Small boys tend cattle and help the men in the fields.

The Haitian *habitant* (the peasant) is poorer and hungrier today than he was fifty years ago, or even twenty years ago. In 1955 I visited a number of peasant families I had known since 1932, and with hardly an exception I found them worse off than they had been before. Their tiny landholdings had shrunk. Some land that had been lush had dried up and eroded. Little groves of trees had disappeared. Clothes had become shabby, and many of the men could no longer afford to wear the inexpensive traditional blue denim costume that was once so common. In the cities there is evidence that some of the elite have improved their life. But in a large part of the countryside the peasants are finding that the old system that served them for a hundred and fifty years can no longer feed them adequately.

One of the adverse forces is the shrinking of landholdings. Once a peasant family may have owned and worked fifty or seventy acres of ground. But it is traditional that on a man's death his land is divided among the heirs. If a man with fifty acres of land has two sons, each son inherits approximately twenty-five acres. On their deaths, the land is again subdivided. But even this is not the whole story. A UNESCO survey of the Marbial Valley region in south Haiti in 1948–1949 reported:

> At the turn of the century there were numerous peasant families who lived in relatively easy circumstances, and who possessed as much as thirty to forty *carreaux* * of land planted with coffee and subsistence crops. The heirs of these lands, when they found themselves in straitened circumstances, would sell some parcels of it in the hope of being able to increase their holdings again later on. In the worst cases they became the tenants of absentee landlords who lived in the cities. Nowadays, not only is the size of holdings very small, sometimes only one-eighth of a *carreau*, but they are also scattered, and most peasants are obliged to go from one place to another to cultivate their various owned, rented, or share-cropped fields.[A]

Haitian law—the civil code—does not recognize the rights of illegitimate children born after a legal marriage. But Haitian custom does. As a result, a Haitian who has a *placée* wife in addition to his "legal" wife may circumvent the law by deeding to her a portion of his gardens during his lifetime, thereby diminishing his holdings.

Furthermore, many landholdings are not clearly defined. There are few accurate surveys, and often the boundaries are vague. Titles to many of the holdings cannot be clearly established, and as a result there are constant lawsuits. To pay the expenses of defending his interests in court, a Haitian may have to sell a strip of his land.

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* A carreau is about three and a third acres.

[A] [UNESCO, The Haiti Pilot Project, p. 18. Cf. P352, category 116. -- Analyst]

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

The financing of these many revolutions was usually provided by foreign merchants, bent upon installing a government that would grant them special economic concessions (Munro, 1964:326–31). The United States occupation ended this doleful succession of regimes and, by throwing its weight to the elite, by suppressing military activity in the countryside, and by reforming the army, the United States gave a new meaning to the separation of the elite and the yeomanry. Leyburn's interpretation is consistent with these events; yet some Haitian scholars have differed with Leyburn's analysis.

In a lengthy review article, the dean of Haitian historians, Dr. Jean Price-Mars (1942:1–50), questions the applicability of the term "caste" to the social groupings of Haitian society. He notes that Haitian law after the revolution never legitimized any distinction on grounds of physical type, unlike a society such as the United States—that in fact, the very basis of Haitian polity was the absence of such distinctions. Furthermore, Leyburn's interpretation is qualified by the fact that the elite and the rural masses are not entirely distinctive physically. In some parts of rural Haiti, particularly in the southern peninsula, there are many light-skinned people; and many individuals who qualify as members of the elite on all other counts are very dark in appearance. The fact that being "Negro" or "white" in Haiti is viewed as a matter of degree, rather than of kind, complicated by all the other criteria of social position employed in drawing distinctions, has important implications for the way social barriers have operated in that country.*

Leyburn did not contend that all the effects of the United States occupation were in the direction of increasing the gap between the ELITE AND THE YEOMANRY.

* In this regard, Haiti is aligned with most of Latin America, in contradistinction to the United States, where many persons believe that "one drop of Negro blood" [sic] makes a "Negro." The failure of North Americans to distinguish between sociological and genetic categories of physical type has led to considerable confusion in their dealings with Latin America and in their understanding of Latin American societies. North American race prejudice at its most extreme sees color as the primary basis for social ranking, and no individual accomplishment (for instance, in terms of economic or intellectual success) can overshadow the inferior status unalterably bestowed by certain physical traits. Haitian—and generally all Latin American—social distinctions do not rest solely on considerations of physical type; a black skin does not "doom" an individual if his attainments make him otherwise the equal of his lighter-skinned fellow citizens. Hence, it might be argued that the term "caste" would be more appropriate when applied to the Negro people of the United States (regardless of phenotype, and including those "Negroes" who are *sociologically* identified with the Negro people even if their physical appearance is dramatically Caucasian) than when applied to the peoples of Latin America.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

lishing their freedom from the taint of any black admixture. Having entered white society by such means, and further diluted their Negro blood by judicious marriages, these social climbers frequently became the most pitiless masters of slaves in the colony, the most rigid sticklers for a color line, ruthless enemies of recent freedmen and of those who acknowledged the dark strain in their blood; and having now "passed over" as whites, they snubbed the petits blancs.

The rising tide of color prejudice became apparent in the passage of discriminatory laws. The first of any importance was enacted by the representative Council of the colony, sitting at the capital, Cap Français, in 1758. It prohibited all colored people, except police and militiamen, from carrying swords, sabres, or other side arms—thus denying them one of the outward marks of gentlemen. Four years later the prohibition was extended to the bearing of all firearms, except in service, while in 1767 the sale of munitions to colored persons was forbidden unless ordered by a white officer. Obviously the instigators of prejudice had by this time won a number of ruling grands blancs to the notion that the presence of numerous people of color might constitute a menace to the physical safety of the whites.

Louis XV, the reigning monarch, took no steps to enforce the liberal provisions of the Code Noir of his grandfather; on the contrary, he seems to have favored the passage of discriminatory laws. He made it difficult for colored planters to travel freely in France. The colonial perpetrators of indignities to the gens de couleur, seeing the success of their first efforts, began to propose increasingly severe restrictions, and were gratified by Louis XV's official "Instructions to Administrators" (1771), which stressed the necessity of maintaining a line between the two races which colored people and their descendants might never cross.

For the next two decades the affranchi had to face openly avowed discrimination. One by one his rights in the Code were abrogated. He might not fill any responsible office either in the courts or the militia, for that would elevate him above white persons. Certain careers, such as goldsmithing, were closed to him, because they brought wealth; others, notably medicine and the apothecary's art, were forbidden on the ground that whites might be poisoned;[1] law and religion were barred to him because of their public and honorific

1. It was a common belief in slave colonies that all persons with Negro blood had some "instinctive" knowledge of the science and art of poisoning.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

nature.[9] Colored women were forbidden in 1768 to marry white men. In 1779 began a series of laws designed to humiliate the colored person in public: his clothes must be of a different material and cut from the white person's; he must be indoors by nine o'clock in the evening; he might not sit in the same section of churches and theatres with whites.[10]

Just at the moment when prejudice and hatred seem to have reached their most menacing proportions, when even moderate white planters began to feel that such passions had been aroused among both white and colored folk that only brutal severity could hold them in check, the Revolution began in France. Both sides in the colony hoped to make use of it. The whites saw in the mother country's confusion an opportunity to win self-government for the colony—with themselves, of course, as the untrammeled rulers. The gens de couleur, taking to heart the noble Declaration of the Rights of Man, hoped to regain their full rights as French citizens, guaranteed to them in Louis XIV's Code, but now in abeyance.

During the fateful years 1788 to 1793 colonial affairs were intertwined with developments in France. Men and messages went back and forth between Cap Français and Paris, following the startling announcement that after a lapse of 150 years the States-General would be convoked in May, 1789. At a meeting of the colonial assembly in September, 1788, called to nominate delegates, the group of grands blancs who controlled colonial affairs decided on two daring steps, which later proved to be blunders: first, they named thirty-seven deputies to represent Saint-Domingue; second, they drew up a *Cahier des Doléances*—a list of grievances whose sole palliation, it was implied, would be the granting of permission to the white planters to govern the colony without interference from France. These two decisions, be it said, were not unanimously approved in the assembly at Cap Français; cautious minds warned against pretentious demands which might do nothing more than attract concentrated attention to the state of affairs in Saint-Domingue: it might be wiser, they argued, to let sleeping dogs lie, and ignore the convocation of the States-General. The cautious were outvoted.

9. A colored lawyer might win a case against a white man; a colored priest might have to hear the confession of a white woman.

10. When certain mulattoes arrived at church in Cap Français wearing clothes of the same texture as the whites', constables tore the garments from the backs of male and female alike, leaving them "with no other veil than their shame."

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

114 642 175 at least a generation behind them, but rather their complete lack of any experience in self-rule. The author continues:

[471] In addition to the vanity of the black which was flattered by the distribution of principalities and duchies, there was the political thought which wished to fortify things by words. The most important sugar manufactories were distributed, with the property title, to the principal officers and civil agents of the government. Workers were allotted to these very much as were the Indians to the first Spanish conquerors. . . . Moreover, since African blood dominated in the North [that is, since there were few mulattoes and lighter-skinned people], the feudal lords, aided by the color of their skin, could enforce obedience to a yoke which in name only was modified [from slavery].[13]

175 642 566 631 421 625 692 The social organization of Christophe's kingdom, then, was one of large properties, with all the feudalistic trappings, resting upon a solid base of wage-earning serfdom. In contrast to mediaeval feudalism, the king was here much more than *primus inter pares.* Thanks to the policy of Dessalines, most land had come into state ownership, so that the nobility received their estates by royal favor, and held them as leases only so long as the King pleased. As in the Middle Ages, the noblemen were petty monarchs within the district granted to their jurisdiction. Their freedom of action, however, was even here subject to scrutiny: detachments of Royal Dahomets[14] were stationed in every cantonment or parish, to enforce discipline, keep the King informed, and find their own subsistence without a drain on the royal treasury. In every district was set up a court of *sénéchaussée* to see that justice obtained.[15] The King's law, not the nobleman's private code, prevailed in the whole country.[16]

13. R. Lepelletier de Saint-Remy, *Saint-Domingue* (Paris, 1846), II, 167–168.

14. Organized after the model of the police force existing in France before 1789.

15. These courts were composed of a royally appointed seneschal and his assistant, a king's procurer, and a clerk.

• [671] 16. The Code Henry was promulgated on January 30, 1812. It consisted of seven parts: Civil, Commercial, Shipping and Maritime, Civil Process, Criminal and Police Process, Agricultural, and Military. In general the Code followed French precedent, but the section on Agriculture was Christophe's own. Sir James Basket (in his *History of the Island of St. Domingo* [London, 1818], p. 413) calls this part "a thing unexampled among other nations." It reveals not only the King's absorption in the main economic enterprise of his state, but also his skill in devising an integrated functioning of a social order of nobility and serfs with a plantation economy based on money crops. This Agricultural Law regulated such diverse matters as the reciprocal duties of proprietors and cultivators, the policing of plantations, and the culture and preparation of the major crops. It set forth industry as the parent of virtue, and idleness as the source of vice.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

their districts, principally during the working hours of the day. They were held responsible for all consequences of their own negligence.

This whole flow of legislation was designed primarily for the protection of the great landed proprietors, yet there were other laws which aided the masses. In former days workers had been coerced through corporal punishment. This was by law now abolished. Temporary assignments of garden plots were required for each family of laborers; medical care must be provided at the expense of the planter; the aged and infirm must be guaranteed the right to keep their homes and gardens even though no longer able to work. Expectant mothers in the fourth month of pregnancy must be relieved of field work, with no limitation of their right to share in the estate's income; mothers of nursing children must be permitted to remain at home until the weaning of their infants.

A great concession to the workers was made by abolishing the office of "inspector of cultures." In the days of Toussaint and Dessalines each district of the country had had its inspector, whose duty it was to see that crop cultivation proceeded according to schedule.[27] This man's disapproval of conditions resulted in fines and personal chastisement. By abolishing the office Pétion effected a great saving in salaries, for there had been thousands of these inspectors; on the other hand, the watchfulness of the inspectors had kept agricultural production at a high level. With no officials to dog the footsteps of the workers, crops immediately fell off.

Pétion clearly expected la grande culture to be the prevailing mode of agriculture in the republic. He fostered all kinds of legislation regulating it, even aside from that already mentioned. For example, a complete schedule was prepared for the division of income of the estate.[28] But the entire system was too neatly worked out and artificial to be effective, particularly since it was not backed up with force. The threat of punishment removed, most workers began gradually, often deliberately, to sabotage the system. It was much more pleasant

27. Christophe followed his predecessors in keeping the district inspectors.

28. This could be very complicated. A tenant farmer might hire workers, and so have to share his half of the income with them. In such cases, the division of the money crops was to be made in kind or in money, at current prices, in the presence of the local justice, his assessors, and an officer of the *gendarmerie*. The workers' "fourth" was divided into portions of which three went to the first foreman, two to each of the skilled workers, one and a half to each male or female worker, and one half to each child laborer between ten and fourteen years of age.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

175 642 178 433 Haitian writers sometimes praise Pétion for his democratic leanings, by implication criticizing Toussaint, Dessalines, and Christophe for their feudalistic notions. If the blacks were undemocratic, at least they had experience back of the system they selected for administering the land: their methods worked. Pétion's plan, on the contrary, admirable though it seemed to later "liberals," was unexpectedly disappointing. The national income declined; estates were steadily broken up and sub-leased to small farmers; sugar disappeared from the state's balance sheet, while coffee did not supply an equivalent income; discipline of the workers gave way to individualism. Although the whole legislative code favored the landlords, la grande culture crumbled. One is driven to conclude that Pétion simply tried one device after another—always the easiest he could find—to keep state economy functioning.

175 178 565 When Pétion came to power, the common folk of southern Haiti were serfs with a memory of slavery; when he died, they were peasants. At the beginning of his régime the mulattoes and other social aspirants felt they were struggling for very existence against the relentless policies of black rulers; as it closed they were beyond any doubt aristocrats, but by the same token progressively less well-to-do. No one any longer attacked their social pretensions; but the worldly wealth on which these pretensions were based was disappearing along with the country's prosperity, so that new criteria had to be developed.

175 671 As we have said, the keynote of Pétion's rule was persuasion. Where Dessalines ordered, Pétion suggested; where Christophe decreed, Pétion recommended. There is not a single act one could cite during his entire presidency which had the effect of tightening up the organization of the republic. When laws were not properly observed, instead of penalties being made more severe or sure of application, the laws themselves were calmly allowed to lapse. In fact, the period from 1807 to 1818 was one of transition, of experiment, of discovering a congenial way of life. Since it was clear that the mass of citizens were peacefully disposed and unambitious, the President was inclined to let custom rule in each little community. Laws were not repealed, but they were enforced only when general public opinion was clearly in their favor. At many points the upper class would have liked more disciplinary control over the masses and said so to Pétion; yet they realized that in a less than ideal world one

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

may not have all the heart desires. Under Dessalines there had been stern discipline of the workers but no recognition of the aristocracy; now under Pétion the people went their own inefficient way, but aristocratic eminence was happily recognized.

Examples of experimental legislation abound. Some proposals succeeded but more failed. One of the partial successes was the establishment of an agricultural holiday, *la fête de l'Agriculture*, to stimulate interest in good cultivation. Two months before the day set, the commandants of departments, arrondissements, and cantons, together with the justices of these divisions, were to nominate the laborer in each parish who had done the best work of the year. A prize medal was awarded not only for the sake of honoring him but also to stimulate his fellows. Similarly the officials would choose a child between seven and ten years of age, living on the best cultivated *habitation* in the district and belonging to parents most distinguished by their conduct and fondness for work, to be brought up and educated at the expense of the state. The annual feast was celebrated for many years after Pétion's death, but the officials became too lax to make careful selections of prize-winners. The holiday was kept, therefore, but served none of its original purposes.

As a case of legislation that failed may be cited the highly moral measure encouraging, but not requiring, legitimate marriages among cultivators rather than the customary informal union without ceremony. The preamble of this law pointed out that legal marriages were

> the only means of assuring a person of all the advantages of society; of procuring consolation, care, and help in sorrows and in sickness; of making purity of customs, so necessary for the happiness of men and the conservation of their health, reign among the people; of steadily increasing the population of each habitation; of extending agriculture and of increasing production.[30]

The mass of people, however, had had no experience of legal marriage. In the time of slavery such unions would not have been respected by an owner who wished to sell his slaves, and Dessalines had seemed to care very little whether people married or merely lived together informally. It will shortly be seen in detail how lasting was this inertia of tradition.[31]

30. Cited in Saint-Rémy, *op. cit.*, V, 29.
31. See Part III, "Sex Relations and Home Life."

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

175 24 671 643 Convinced at last that the easygoing policy was a failure, Boyer devised by way of remedy a new set of agricultural laws. Where his predecessors in the North had forced action first and then issued simple laws to fix the practice, Boyer, always cerebral rather than active, planned a complete Code which was designed to call forth action. On May 1, 1826, following an address by the President, the Senate issued the Code Rural, an ingenious attempt of Boyer and his secretary-general, Inginac, to reorder the agricultural life of Haiti.

Never again in the history of the country was so detailed a scheme worked out. It was an attempt on a grand scale to order the life of all people for common prosperity. In addition to its own broad scope and elaborate detail, it was fortified by almost unanimous support among the aristocracy, not only the ex-peers of Christophe's defunct kingdom, but also the large landowners of the republic who under Pétion had never known large incomes. In considering the Code, one cannot restrain a certain admiration of Boyer's ingenious mind. Yet it marked the end rather than the beginning of plantation agriculture, for it utterly failed of its purpose. It was the impressive monument over the tomb of state control.

To examine it further, we must desert the world of men for one of pure economic device. The journey is hardly one of discovery, for Boyer and his aides were simply attempting to freshen up for use the methods which had served colonial Saint-Domingue and feudal Haiti. For all the tedium of a voyage through the mazes of an economic plan which came to naught, the Code will be found significant as marking the end of a way of life, even when the way which succeeded it had already begun to take form.

175 671 24 566 693 The dominating principle of the Code was the Haitian's "obligation" to work on the land. To this end, the worker was once more legally attached to the soil. Every individual who was not a public functionary, and who had not private means or a profession—in plain English, every Haitian except the aristocrat, the official, the artisan, and the soldier—was bound to the land, with no right to separate himself from it except in case of imminent danger. An agricultural worker might apply to the local *juge de paix*[38] for permission to quit the countryside to live in a town or village, but the judge was not to give the permission without being assured of the morality of the

38. A functionary who combined the offices of local judge, justice of the peace, and recorder.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

applicant, of his regular conduct, and his ability to maintain himself economically in the town. Land laborers might not send their children to school or have them apprenticed in a town without a certificate from the same judge. Under no pretext might a worker establish a shop or sell his produce in the countryside; certain exceptions were made of necessary articles of food and home manufacture. No laborer might build a home in rural parts except on the plantation to which he was attached.

An individual, once placed by the government in the category of "cultivator," might never be removed from that class except by official authorization. Even with the consent of the proprietor and the agricultural administrator of the district, he was not to quit the estate to which he was bound for more than eight days.

We may further note in the Code that coöperative enterprise among the workers is forbidden. Anticipating the possible tendency of laborers to set up what in modern times would be called a producers' coöperative, presumably to lapse thereafter into laziness, the Code requires that every worker engage himself individually by authentic contract to the service of a proprietor or lessee. Such engagements for la grande culture are not to be for less than three years, or more than nine. Penalties for infractions of these rules are fines, imprisonment, or forced labor on public works in the chief town of the commune.

The Code directs the management of agricultural property and grazing establishments,[39] also the making of contracts between the proprietor and his hirelings. Rural police are established, in imitation of Christophe's Dahomets, to act as inspectors of plantations and of the workers on them.

The section repressing vagrancy is very full. All persons not proprietors or lessees, yet living in rural parts without having made a contract with some producer, are classed as vagabonds, to be arrested and taken before the magistrate. This official will warn them that by law they are bound to make a contract, and that if they refuse they will be sent to prison. Should a vagabond persist in refusing to sign a contract after eight days of confinement, he is condemned to labor on public works until he agrees. Should the prisoner be a minor, he will be sent to his parents.

39. This latter item was inserted as an adjustment to one of the primary occupations of the Spanish end of the island.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3
[1804-1843]

A cultivator who loafs on his assigned job shall spend twenty-four hours in jail for his first offense and lose his wages; for a second offense he must work on public projects. Field labor shall be regularly carried on from Monday morning until Friday evening, except for legal holidays; work begins at dawn, continues except for a half-hour at breakfast until noon, stops then for two hours, and is once more resumed until sunset. Pregnant females are to be assigned to light work only, and after the fourth month of pregnancy need do no field work. Four months after delivery, a mother is to return to field work, but with three hours a day less than before, until she has weaned her child. Disobedience and insult to overseers are punishable by imprisonment. Since Saturdays, Sundays, and holidays are free, there is to be no dancing or any other festivity by night or day from Monday through Friday.

On each estate is to be a hierarchy of directors, all of whom the workers shall obey. In ascending order, these men are drivers (or squad foremen),[40] jobbers, sublessees, lessees, proprietors and managers, overseers of districts, and police.

In establishing a system of remuneration Boyer kept the accustomed method of allotting a proportion of the marketed crop to the workers in lieu of hourly or daily wages. In any season from a quarter to a half of the gross receipts of the estates was to go to the laborers, the exact proportion in any year to be determined by the government. It was assumed by Boyer and Inginac that there would be an added inducement to work if the laborers' share were distributed not equally, but rather in proportion to the merit and worth of the individual, these evaluations to be made by the recommendation of overseers.

Enforcement of the Code was placed in the hands of local justices and the army. Soldiers were to be assigned to each plantation, receiving their living from it, in return preserving order and routine. Although the whip was once more prohibited, steady labor might still be enforced by other means; the law definitely stated that soldiers were to discipline the lazy, the lawless, and the vagrant. Local justices were to deal with any civil difficulties arising in the execution

40. The word "driver" was commonly used in West Indian slave colonies with no other meaning than that attached to the word when one speaks of a man "driving" his horses. It is not necessary to beat a horse to make it go properly; a word of direction may suffice.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

of contracts. It is worthy of note that soldiers assigned to estates were responsible for their actions not to any civil authority but only to their military superiors.

On paper, at least, the Code meant for the worker a return to the serfdom instituted by Toussaint and continued by his black successors.[41] Boyer's new system was richer in detail than Christophe's, but it clearly owed much to that monarch's practical scheme. There is a vital difference, however: serfdom under the Negro rulers worked because discipline was enforced; Boyer's effort to reintroduce it was an abject failure.

Many commentators have praised the Code as able and intelligent. Since the effort to revive familiar practice did not succeed, it is important to understand the reasons for failure of an almost perfect paper plan; one similar to the system which had functioned in all Haiti from 1798 to 1806, and in northern Haiti until 1820.

To begin with—and this was in great measure its final downfall—the workers simply ignored it. When Toussaint had first introduced serfdom, many Negroes quietly moved up into remote hills where they would be out of sight; a good number had remained away from surveillance, raising children who cherished their own independence of action. The influence of this group gradually spread. Moreover, for nineteen years in the South, ever since Pétion had first become president, the masses had had increasing experience of economic freedom. There is no doubt that the majority of the people preferred a low standard of living with liberty to great national prosperity depending on personal compulsion. Northern "cultivators" had known force and efficiency under Christophe, but they, too, preferred their five-year experience of easygoing life in reunited Haiti. Such complete, antagonistic inertia toward the law made its enforcement impossible. Individual cases of sabotage might be dealt with, but not wholesale refusal of the group to sign contracts.

Aside from this, too much land had already been given away throughout at least half the country to make possible a fair and efficient functioning of the Code. Any forced-labor system would have had to depend on large plantations. Since Pétion had divided

41. R. Lepelletier de Saint-Remy, "La République d'Haïti: ses dernières révolutions; sa situation actuelle," *Revue des Deux Mondes*, XV, No. 4 (Nov., 1845), p. 15, called it "*l'inféodation à la glèbe*," which it certainly was. The whole Code was designed to prevent any further parceling of the land and any further lapse into idleness on the part of the workers.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

175 The result was entirely different from Boyer's expectations. As a
114 French critic graphically puts it, the Haitians

703 who had never had more than a borrowed energy—that inspired by fear of French invasion—when they saw themselves freed, by a solemn treaty, from all attack on their coasts, seemed to allow their arms to drop relaxed at their sides, saying, *Let's take a rest.* The soldier who up till now had squeezed his body into a uniform and had subjected himself to European discipline, shouldering his arms, staring straight ahead as if seeing nothing, now began to leave unbuttoned the uniform which choked him, dragged a mattress into his sentry-box so that he might sleep through his watch, and let his cross slip to the earth never to pick it up again.[44]

175 In short, the Haitian army as a disciplined force ceased to exist, and
701 with it all authority of its officers. Boyer had counted upon the
703 army to enforce the provisions of the Code Rural, but now a soldier's
671 life was a paid sinecure. By gaining political security Haiti had in-
433 advertently lost its last chance of economic prosperity through a system of forced labor.

175 Wherever the Code was put into partial operation, revenue from
423 plantations continued to decline. The price of real estate dropped
433 proportionately. It was a simple matter for workmen who had
435 signed contracts to avoid carrying out their stipulations, and just as
466 simple to evade the law requiring fifteen acres' minimum for a single holding. Practically every Haitian wanted to own a bit of land; once he had acquired his bit, however small, he had (or so he felt) earned an exemption from directed labor.

175 Only on estates near the few big towns, where government
671 officials were concentrated, was there much pretense of trying to
625 enforce the Code. Sentries at the gates of Port-au-Prince were
661 authorized to confiscate plantains, yams, or fruit brought by any worker who, in contravention of the Code, had strayed to market on a forbidden day, but sentries soon acquired the habit of not seeing countryfolk who passed the gates. Reports kept cropping up that rural policemen were robbing poor cultivators of their coffee under pretense of protecting them from the penalties for breach of the law; this suggests that the Code was used rather for graft than for the stimulation of agriculture.

175 By and large, however, the Code was merely ignored. Agents
671 could not be found who were willing to stand in any community

625 44. Lepelletier de Saint-Remy, *Saint-Domingue*, II, 181.
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3: Leyburn Z-4.5 (no date) 1966
SV3 Haiti SV3

against almost unanimous public opinion opposing enforcement. In 1828 it was reported that dancing, which the Code had strictly limited to week ends, was a nightly diversion near the capital. One of the principal dancing resorts was the house of a captain of rural police, the very man who was supposed to repress such amusements.[45]

Boyer had done his best, and his best was merely a good piece of office work. When his Code failed to operate, he could think of nothing further to suggest for the economic rehabilitation of Haiti. The last fifteen years of his administration witnessed a gradual lapse into that small-scale farming which was to be characteristic of Haiti for the remainder of the nineteenth century. By comparison with former standards, production and steady industry had both fallen off since Boyer came to the presidency. The testimony of visiting foreigners is unanimous on the decline of industry.

The British consul, Mackenzie, said in 1827 that there was very little field labor then being done, and that only elderly people, principally aged "Guinea Negroes" long accustomed to steady work, carried on the tradition. No measures of the government could induce young people born in Haiti to labor or to change from their "habitual vagrancy."[46] Another Englishman, James Franklin, remarked in 1828 that land values throughout the republic had greatly declined because no one could make a profit within any moderate time. Labor was high, he writes, for ordinary wages did not attract the workers who preferred idleness. (This word is certainly unfair: it was work at their own bidding which they preferred, not idleness.) Government lands lay untilled, no one evincing the slightest desire to purchase or utilize them. Franklin continues:

> Land also in the possession of individuals is similarly circumstanced; and those who are large proprietors cannot effect a sale of any produce which they may have beyond the quantity which they can consume; consequently a proprietor may have an immense extent of land, and yet be quite unable to derive any benefit from it by cultivation, or to convert it into money, for the want of purchasers. Thus . . . there is no individual wealth in the country, because, although a man may have very large landed possessions, still those possessions are unavailable, for they produce him nothing, as he can seldom find persons disposed either to occupy or purchase them.

45. Although dancing is spoken of here as an amusement, it is highly probable that at least a part of it had connection with the Vodun religion.

46. Charles Mackenzie, *Notes on Hayti* (London, 1830), I, 100. Mackenzie is clearly exaggerating, unless by "field labor" he means work on plantations, in contrast to farming on small plots.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

can seldom find persons disposed either to occupy or purchase them. There are some instances of proprietors leasing their lands to persons who undertake to cultivate them, for which they receive about one-third of the produce; but this is far from being general, and I imagine can only be accomplished by military men who have the command of troops, and who are thereby enabled to till them by working parties daily sent out for that purpose.[47]

An interesting side light is provided by a Quaker visitor, Candler, who in 1842 wrote that he was struck by the entire equality which seemed to exist between servant and master. Every workman was addressed in courteous manner, as "*mon fils.*"[48] On inquiry, Candler was told that the profits of planting were good that year, laborers were scarce, and it was therefore "necessary to conciliate all by kindness, or no work would be done."

A particularly grim account of the state of cultivation near the close of Boyer's administration (1842) is given by a Frenchman:

> The fields of Haiti are dead. There where under slavery thousands of tons of sugar were made, now one sees only a few crops and a little syrup to turn into raw rum. Lively growths of cactus cover with thorns the acres of cane, of fields, of pastures deserted by the hand of man; the cactus invades the towns, coming even up to the heart of the cities, flourishing in the midst of ruins, as if to insult the inhabitants. . . . On the one hand, no one cultivates with regularity, because everyone is discouraged by the thefts of cane and fruit by people without any moral discipline, and in a country without police; while on the other hand, people complain of being poor, and of not being able to devote enough money to indispensable improvements. . . . And if the proprietors cannot even make work progress, imagine the condition of the poor![49]

As the people grew individually poorer, the value of the land sank until it was useless for an owner to try to prevent squatting on his estate. Holdings grew smaller and smaller, in spite of the prohibition on sales of real estate in parcels less than fifteen acres. Good land might be had in every part of the island quite cheaply, much of it even from the government which had enacted the restrictive law. Any man not satisfied with his condition as a paid laborer might, if

47. James Franklin, *The Present State of Hayti (Saint Domingo)*, (London, 1828), p. 313.
48. John Candler, *Brief Notices of Hayti* (London, 1842), p. 37.
49. V. Schoelcher, *Colonies étrangères et Haïti: résultats de l'émancipation anglaise* (Paris, 1842), II, 263 ff.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

recognized that the really important characteristics peculiar to the peasant are his sentiments and attitudes, the intense attachment to his native soil and family tradition, which, even in the economic sphere, take precedence over the desire for individual advancement and gain."[32]

Haiti in 1804 was still a country of large estates, and Dessalines and Christophe strove to keep it so. Under the active generosity of Pétion and the passive indifference of Boyer after his Code Rural had failed, few great plantations were left intact. The recorded donations of these two presidents to their generals, civil functionaries, and lesser officers, are as follows:[33]

134 grants of 150 carreaux (about 450 acres).			Total: 59,300 acres.
176	35	105	18,480
639	30	90	57,510
711	25	75	54,325
2,322	20	60	139,320
8,000	5	15	120,000
			Grand total: 448,935 acres.

Haiti followed French law rather than British, so that the rule of primogeniture did not prevail. It requires only a moment's reflection to see that even within a single generation the thousands of small properties noted in the table would be subdivided many times, since a father apportioned his land to all his sons. By 1842 it is probable that not a single plantation of the size common in colonial times was still intact.[34] On the testimony of numerous government officials and commandants of arrondissements, it was estimated in that year that 46,610 small landed properties were under fair cultivation.[34] If the population at that time be estimated at 800,000, seven eighths of whom were engaged in agriculture, there would accordingly be about fifteen people (including children) to each rural property. But

A large number of small estates are left out of this account, which are said to be *badly* cultivated, or neglected. Taking the number of each separate

32. C. von Dietze, "Peasantry," in *Encyclopaedia of the Social Sciences*, XII, 30.

33. This table is compiled from figures cited in Armand Thoby, *La Question agraire en Haïti* (Port-au-Prince, 1888), *passim*, and Dr. F. Dalencour, *Le Sauvetage national par le retour à la terre* (Port-au-Prince, 1923), p. 18.

34. See Raymond Renaud, *Le Régime foncier en Haïti* (Paris, 1934), pp. 42–43.

34. Candler, *op. cit.*, p. 122.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

by persuasion, to do as much work as possible for his and their own interests. In a few cases the success of such efforts was tolerably good; but one worker disposed to be sullen or idle, or even not physically strong, might throw the whole scheme into disorder. One's own profits would be cut by the misdeeds of others even when one had himself been industrious. This caused a decline of incentive, sometimes among a whole group of potentially good workers, because one or two of the number shirked. Probably the most patent evil of such arrangements was that every laborer realized that he did not suffer as directly for idleness or neglect as when working for himself; his fellow workers shared the consequences of his misconduct in some degree, and his employer in a still greater measure. The driving force of individual responsibility was removed.

Boyer and Inginac, foreseeing just such disorder, had tried to provide against it in the Code Rural by giving summary powers to local judges to inflict penalties upon lazy or malingering workers. Quite aside, however, from the loss of time and the inconvenience to both parties in going constantly to a judge for his decision, the proprietor was afraid to act on this principle to any extent, since if he did so he might lose his laborers altogether.

It was a rare proprietor, then, who could hope to make much of a fortune out of his plantation. More and more the landowners, having subdivided their fields, grew lax in overseeing them. The workers, freed from constant supervision, accustomed by long habit to living in one hut, and unconsciously developing a mentality which made them feel, as did American squatters on frontier lands, that they had a right to the land they tilled, imperceptibly developed into peasants. The state's remaining properties, no longer under cultivation, were invaded by families of small farmers, and the government took no steps to oust them or send them back to privately owned plantations. The estates of individual aristocrats underwent the same fate if not carefully watched. Theoretically, it was the duty of the army to drive out squatters, to force laborers back into "proper" agricultural work; but the army consisted of peasant youths who would not turn against people of their own group.

Legal irregularity was gradually sanctioned by the passage of time, usage being a stronger guarantor of rights than unenforced laws on the statute books.

Haitian peasantry, to sum up, began as the unplanned, undesired

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

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Color prejudice, in so far as a mass of people is concerned, is generally one-sided, directed by the upper group at the lower. The ordinary illiterate worker between 1820 and 1840 was inclined to accept without much question the superiority of the lighter-skinned Haitians. Resentment was often present, and envy, but hardly prejudice. The real contest developed between the colored élite and the blacks of ambition. The latter had reason to feel proud of their rise from slavery; many had shown ability, and felt themselves the mental and moral equals of the mulattoes; the men who had broken the power of the French, ended slavery, and founded the state were Negroes—and now Haiti was being ruled by mulattoes. The contest between the two groups was the obverse side of prejudice. The envied minority, jealously guarding their distinction, were generally conscious of prejudices which they rationalized with pronouncements about superior mentality and innate qualities. They would concede the difference between an educated black and a mere peasant, but would still cling to the feeling that all the culture in the world would not make the educated Negro a peer of the mulatto.

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Government documents of the period can hardly be expected to call attention to color prejudice and its concomitant resentments. To foreign observers, however, it was immediately apparent and noteworthy as a dominant characteristic of the country. Testimony is unanimous as to its existence; more important, the commentators all agreed that it was growing. An acute Frenchman called Boyer "the slow martyr of his color,"[56] being a mulatto in a republic of blacks: his color made Boyer suspect, so that the President had to spend most of his time and energy trying to avoid conflicts on this issue. It is entirely possible that Boyer's dearest schemes, particularly the enforcement of the Code Rural, failed primarily because the army was controlled by Negroes, whom the President dared not drive too hard; while only the army could have enforced faithful performance by the black laborers. An American doctor stated in 1838 that "the mulattoes, to preserve the sceptre of power in the possession of their caste, are driven to compliances which a negro president would feel himself empowered to spurn from him as the basest infringement on his dignity."[57]

56. Lepelletier de Saint-Remy, *Saint-Domingue*, I, 211. This observation is much more to the point than the specious remarks which follow, attributing Boyer's inactivity partly to the enervating effects of the tropical climate.

57. Brown, *op. cit.*, II, 259.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

175 563 564 [[79]] ions. Intermarriages between persons of widely different color became extremely rare, being regarded by many lighter Haitians with actual disgust. Everyone with social pretensions wanted to be whiter. Dr. Brown stated it baldly: "The pure negro seeks to ally himself to the griffe,[59] the griffe to the mulatto, the mulatto to the quateroon, the latter to a mustif, and the mustif, having but an untraceable tinge of African blood in his organization, is vociferously indignant if he is accused of having any at all."[60] An educated young black of several generations of free parents was scornfully turned down by a lighter-skinned woman considerably his inferior in breeding and wealth because her children would be darker than herself—"*petits enfants griffes*," as she put it. The prejudices of colored people against blacks was almost as great, if not quite as intense, as the former prejudice of whites against colored people in colonial times. No one forgot that there had been black as well as colored freedmen in the colony; but it was much simpler for people of color to claim their long career as elite than for blacks to do so.

The attitude of upper-class Haitians toward whites in the midst of all this color prejudice was an interesting mixture. On the one hand, all good Haitians professed to dread a return of the whites; on the other, they welcomed white businessmen in the country. In a certain respect the whites were regarded much as were the Jews of Europe [673] in the Middle Ages: they were wealthy—and therefore legitimate objects of pillage, necessary evils for the sake of finance. Theft from a [671] white man by government action was a service to the state. Laws [641] were consequently varied from time to time with the sole purpose of profiting from a foreigner's position. True, the trader might protest [423] to his home government, but if England or the United States took a strong stand, Haiti could always retreat; if those governments did not stand firm, Haiti had gained. In the Haitian courts the whites had little show, for Article 38 of the Constitution forbade them to own real estate or to become citizens; they might not even hold a lease for more than ten years; and they might not marry Haitian women.

Nevertheless, the analogy with mediaeval Jews falls down at one vital point: whites were not viewed with contempt. Quite the con-

[192] 59. A term denoting three parts in four of Negro blood. This term as well as "mustif" goes back to colonial white society; neither was, or is, used by cultivated Haitians.

60. Brown, *op. cit.*, II, 283–284.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

"empire" tottered to economic ruin. Graft, default on the debt, increasing deficits, and debased currency were the order of the day, and so continued until 1859, when the accumulation of anger over the useless wars and the humiliating defeats made the Emperor so unpopular that a new and more carefully planned revolution accomplished his downfall.

Fifteen years of administration by Negro rulers had broken the political power of the colored élite. Only three light-skinned men became president thereafter until the occupation of Haiti by the American Marines in 1915; in the seventy-two years following Boyer's downfall, mulattoes ruled during only eight. The army under a black general was too powerful, a colored president too hampered by suspicion, to make the political game worth the candle. The colored élite, therefore, adapted themselves to existing conditions as best they could, controlling the business life of Haiti, filling the law offices and, because of their literacy, the secretaryships of state, and indulging in honorific cultural pursuits.

In the years after Soulouque the basic realities of Haitian life were changed hardly at all by shifting political administrations. Some of the presidents were mildly progressive, many were indifferent; still more were actually harmful; but the lives of the mass of peasants were not often touched by presidential vagaries. Politics was an affair almost wholly of townspeople, of the army, the élite, and the pseudo-élite. Revolutions, counterrevolutions, movements of reform, international tangles, financial woes, and most of the other complications to which unstable states are heir, absorbed the attention of rulers and upper-class folk who were politically inclined.

Constitutions were made by presidents and changed by their successors; the Senate passed contradictory laws in the same session if the chief executive so recommended; the courts were presided over by the president's men. Haitian law in the latter half of the nineteenth century was what the president's immediate strength and wish made it—or else it was folk custom, undisturbed by the rulers.

Never once, in the three quarters of a century after Boyer's time, did Haiti approach the high standard of production known in colonial days or in the early years of independence. The pattern of Haitian social and economic life became fixed in this seventy-five years. Haiti became a country of small-scale tillage by a peasant population, with only enough external trade to provide moderate

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

Haiti was in constant financial straits. Money had to be borrowed

abroad; then paid back at the promised time or a foreign warship would appear at some Haitian port. The steady drain of annual indemnity payments to France,[7] the cost of subduing revolutionary movements, and the large sum eaten up even in times of peace by wages to the army made successive presidents continue to yield government land for small sums of ready cash, in spite of Geffrard's announcement that no more state lands would be alienated. Nissage Saget, coming to power by a successful revolution, paid out fifteen acres to each soldier who fought in his campaign in the South.[8] The units of the government resembled those of the Continental Congress in America during the Revolution.

Another impulse to parcel the land came during the administration of President Lysius Salomon (1879–88). The debt to France had finally, after half a century, been paid off; that incubus removed, Salomon instituted numerous reforms, financial, military, educational. On February 26, 1883, he signed a law by which every citizen of Haiti might conceivably become a landowner even if he lacked money to buy land. Upon receipt of a written agreement to cultivate certain tropical crops—specifically, sugar, coffee, cotton, cacao, and tobacco—the government would grant provisional title to a portion of fifteen to twenty-five acres of land taken from the public domain. The grant became final if, after a period of from two to five years, three quarters of the land had been effectively cultivated.

Five hundred requests were made in 1884 for such grants, and twelve hundred in the following year.[9] Thereafter one finds no records of applications for land; the peasants had discovered the hidden trap in this apparent generosity. How could a peasant with a tiny farm lacking implements and tools, not to mention ready cash, be expected to cultivate important crops on fifteen or twenty acres of land? He would have to cut down trees, uproot wild plants, fertilize the ground, purchase equipment and seeds, and then wait several years for a crop. As Thoby says, "And even then he was not a

7. See above, pp. 70–71.

8. Law of July 12, 1870. In August of the same year, Nissage required an inventory to be taken of state lands remaining.

9. J.-C. Dorsainvil, *Manuel d'histoire d'Haïti* (Port-au-Prince, 1934), p. 317, cites these figures. They are contested by Dr. F. Dalencour, *Le Sauvetage national par le retour à la terre*, p. 31, who maintains that only 800 applications came in altogether. Here, as elsewhere, Haitian records are incomplete.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

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proprietor in the true sense of the word, for he might not change his crops and cultivate bananas, potatoes, yams, peas, or other foodstuffs."[10] Critics of Salomon point out that these conditional grants were designed to make of the peasant a simple fiscal workman for the state, to force him once more to labor for the public rather than for himself. The legislators of 1883 were preoccupied not with the welfare of the peasant, but solely with the increase of production and of fiscal revenue.

The law of 1883, then, like the Code Rural of 1826, fell into desuetude. The peasant was canny enough to see that passing a law did not change realities: he might still squat on government land and yet not be thrown off by the government. Both Boyer's Code and Salomon's law, although of entirely different inspiration, tried to regiment the Haitian peasant in agricultural lines beneficial to state finances but uncongenial to himself.

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Up to the time of the American Occupation of 1915, there were no other measures of much influence upon the status of the peasant. The whole impulse of the common people seemed to be toward the acquisition of plots of land for themselves. By the indifference or impotence of the state, they were allowed to install themselves upon government lands, there to found families and pass on the property upon which they had settled. Thus occurred what might be called a "natural"—certainly unplanned and automatic—development of small property. At first it came at the expense of the great domains; next, through allowing state leases to expire and be given cheaply into the hands of small farmers; finally there were the grants and sales at low prices to thousands of soldiers.

Time validated the peasants' claims, but the state has never formally done so. Legally it might be argued that only a small fraction of the population of Haiti has an indisputable right to the land on which it lives. By strict interpretation most of the peasants are still squatters whom the government might dispossess. The American Occupation, in view of this confusion, tried in businesslike fashion to survey the land and establish property rights. The task proved so extremely difficult that it was soon given up. It met with the stubborn refusal of the peasants to state their claims or take any interest in legalizing their rights. No administration has been foolhardy enough

10. Armand Thoby, *La Question agraire en Haïti*, p. 43.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

175 material—Frenchmen who lived "in a deplorable state of morals,
111 too often recalling those of the freebooters and buccaneers" who were their ancestors and predecessors. Even when the calibre of the colonists improved, religion was a minor concern, business and pleasure pushing it well into the background.

There was no great antagonism toward the fathers; indeed, not enough attention was paid to the priests and their work to warrant any very strong feeling. It was indifference and insolence the fathers had to face, or, if they showed too great an interest in the welfare of slaves upon a plantation, suspicion and peremptory curbs. By the old
• [671] Code Noir under which the colony theoretically operated, masters were obligated to send their slaves to Mass on Sundays and feast days under penalty of heavy fines; the Code likewise prescribed the baptism of all blacks and their instruction in the Catholic faith. But just as the colonists ignored all parts of the Code antagonistic to their own economic interests, so specifically did they disregard the sections dealing with their religious obligations.

175 Some priests were in any case not too zealous. It was much more
193 agreeable to attend only to external forms, and so participate in the
662 charming life of high society, than to stand firm against laxity. If a
567 priest showed enthusiasm for his duties to his African charges he was
[792] almost certain to be accused by the planters of stirring up the slaves and undermining the foundations of colonial society. This was, in fact, the very accusation leveled at the Jesuits to bring about their expulsion from the colony in 1764. The example was not lost upon other priests.

175 "The safety of the whites demands that the Negroes be kept in
771 profound ignorance," said one of the later governors in a message to
563 France. This sentiment, perfectly expressing the conviction of the majority of planters, not only prevented any secular education of the blacks, but actually kept many of them from instruction in catechism, creed, or any part of the Catholic faith. If instruction is forbidden, few of the sacraments can be administered, for how can a person be confirmed, confess, do penance, if he know not even the first principles of the faith? Few masters objected to the baptism of slave children; on the other hand, they roundly disapproved of the sacrament of marriage for their blacks, since this might place an obstacle in the way of slave sales, and even open the way for assimilation of blacks and whites in the colony.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

Vodun, then, was both widespread and powerful enough to be turned to most effective ends in 1791. Contemporary accounts of it still saw it as a meeting ground of superstitions. The French naturalist, Descourtilz, for example, was primarily struck by the use of the occult in connection with Vodun; he especially describes a woman who, under the seizure of her god, took a live coal in her hand without being burnt; a husband who by the use of magic struck his inconstant wife with a languorous malady, effective for half a year; and the knowledge of poison which was combined with the practice of magic. He mentions but one of the Vodun gods by name but implies the existence of many others.[10]

Madiou, Haiti's first historian, likewise always spoke of Vodun as a savage survival; he says of a native general, "Lamour Dérance, plunged in gross errors, put his faith in *sorcery*, in the prophecy of *papas*, or priests of *African fetishism*."[11] In his scornful distaste for the vulgar he clearly indicated by his own italics some conspicuous elements of the developing religion: magic, the use of fetishes, and a Vodun priesthood. His illustration of Dérance's error was his making soldiers believe that bullets could not wound them:

> When he marched to combat he was preceded by bands of Congos, Aradas, Ibos, Nabos, Mandingues, Haoussas, who threw themselves against the French battalions with a prodigious intrepidity, crying that the bullets were but dust. But this courage which *superstition* fed was shattered against the ramparts of . . . the Europeans' square formations.

It is noteworthy that the first three black rulers set themselves against Vodun because of its potentialities for sedition. The plots to overthrow the old régime had come to fruition at apparently innocent Vodun dances. Although the ingenuous aspect of the dance gathering had deceived the white masters, Toussaint, Dessalines, and Christophe knew the meaning of the assemblies. All three had to drive their people hard and knew that resentment would be an inevitable consequence; it must not have an opportunity to burgeon at nightly gatherings. Toussaint was the strictest of the three, for he forbade all dances and nocturnal assemblage.[12] The other two singled

10. M. E. Descourtilz, *Voyages d'un naturaliste en Haïti, 1799–1803* (Paris, 1935 ed.), pp. 116–118.
11. Thomas Madiou, *Histoire d'Haïti*, III, p. 31.
12. In an order of January 6, 1800.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

The other two singled

175 643 794 796 671 659 798 771 out Vodun dances for their bans, permitting the purely social dances. On the eve of the first anniversary of independence, "as soon as retreat was sounded, African dances of all kinds began in the tents and open fields; the Vaudoux dance alone was proscribed; the noise of the drums did not quiet down until morning."[13] Dessalines was more suspicious of Vodun than the other two for, being a superstitious man himself, he feared that some of his growing number of enemies might use sorcery upon him; consequently whenever his active police reported meetings of Vodun worshipers he had the offenders shot if they could be caught. Practically all Haitians knew how to distinguish the rhythms of Vodun drumbeats from those of other dances, so that it was not particularly difficult to track down the meeting places. What Christophe really believed, no one could say. He paid outward homage to Roman Catholicism, of course, but rumor persisted of his great faith in magic and the power of African fetishes."[14]

175 643 794 659 798 796 771 114 The élite mulatto presidents, Pétion and Boyer, did not deign to dignify Vodun by prohibiting it. No revelation of their attitude toward it survives, but we may note that no law of their thirty-six-year tenure of the presidency mentions it. From their other opinions one concludes that they regarded it as merely another of the people's innocent and harmless aberrations. Not one of the foreigners whose curiosity about the Negro republic led them to report on Haitian life of this period gives an intelligent account of Vodun as it then was. Macaulay, writing in 1831, for example, describes the annual celebration at the source of Grande Rivière de l'Artibonite; he mentions the festive dances (not Vodun) and singing, then says: "Morning ceremonies consisted of a solemn sacrifice at which the blood of victims immolated for the feast were offered, and libations of wine were poured on the spring."[15] This was clearly a Vodun sacrifice. Brown, in 1837, writes as a religious man:

> No race is, more than the African, given to religious feelings, though these being but mere sensations entirely independent of thought and reason, manifest themselves in a display of idle fooleries, or dark and hideous terrors of the imagination. They intermix the legitimate ritual of the Catholic faith with the mysterious adoration paid to their national Fetishes, and the

13. Madiou, *op. cit.*, III, 186.
14. See Charles Mackenzie, *Notes on Hayti*, pp. 90–91.
15. Zachary Macaulay, *Haiti* (Paris, 1833), pp. 90–91.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

175 While the broad problems of marriage, inheritance, and legiti-
512 macy were not to be solved by the official act of any ruler, the efforts made, particularly those by Dessalines and Christophe, had their effect upon the development of the marital institution in Haiti.

671 "Whereas," begins the preamble of Dessalines' law of May 28,
848 1805, "it is necessary to fix in immutable order the status and rights of children born out of wedlock, and whereas it is important to reconcile what nature and society owe them with the political interests of the state," therefore it behooves the government to lay
[581] down the specific rules which follow. Nothing in the law pushes the people toward marriage, but every provision strengthens the family, which they had known both in Africa and in the slave régime of the colony.

175 Henceforth no stigma is to attach to the fact of illegitimacy, nor is
671 there to be discrimination in favor of children born in wedlock. The
848 status of a child will depend upon recognition by its parents. If a
428 child's maternal connection is established, he has rights in her property; if the father likewise recognize his offspring, the child has rights in the paternal property; even if the recognition of a child is so long delayed that the parents die, that child who can prove his descent is to receive the name and his own share of property from the deceased. There is but one single provision in which an illegitimate child has an inferior status: should a couple decide to be legally married, they must recognize the natural offspring of either party before or during the wedding ceremony, if such children are to have full claims of inheritance; delay until after the ceremony cuts their claim to only one fourth that of children born legitimately; refusal to recognize the natural child disinherits him, unless he can prove his descent.

[422] Since the Emperor was already engaged upon his campaign to
[423] acquire lands for the state, the property rights guaranteed would refer chiefly to personal property, and only secondarily to land still owned by individuals. Both men and women owned personal property, however, and must therefore pass on this property, a definite percentage going to each son and daughter.

The law is weak in some of its details. It does not specify, for example, how an unmarried father shall leave his property—whether by name to each child he has recognized as his own, or by name to the mothers of his children. It is strong in that it is simple: property

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

must pass to an illegitimate child if recognition is accorded. It is likewise strong in its harmony with actual conditions: in the absence of legal marriage among the people, it would have been manifestly unfair to favor a few fortunate children. Dessalines argued that the revolution had legitimized all Haitians; that it was unjust to prevent a child's inheriting from the person who had given him life; and that since all Haitians had come out of slavery and degradation into freedom, no new inequalities should be instituted.[4]

If this law encouraged family life, it weakened marriage both of the civil and religious kind: where was the sense in the expensive luxury of a wedding when children were just as legitimate without it? By conforming to folk practice the Emperor confirmed it. Only the aristocrats disliked his law, for it seemed to make light of one of the distinctions they cherished—the formal wedding. It irked them to have the State place a casual child upon an equal plane with one born after proper marriage.

At still another point the law accorded with living conditions at the time. During the years of fighting many men had been killed, and always the large standing army kept thousands of others away from settled farm life. Home, then, was for a child the abode of his mother—a fact recognized by the law's insistence upon maternal relationship rather than paternity. Such a word as "matriarchate" has no place here; but from the days of Dessalines to modern times, the lowly Haitian thinks of his home primarily as where his mother lives.

As if the advantages of formal wedding were not already sufficiently weakened by this law, other enactments of the empire struck at other phases of marriage. Divorce was permitted for adultery, for incompatibility of temperament or character, and by mutual consent. Such provisions not only broke away completely from Catholic practice, but made getting out of wedlock a casual matter of taking an oath. The complaint of incompatibility need be made by only one spouse; "mutual consent" as a ground for divorce was probably not allowed in 1805 in any other country of the Western World.

Dessalines did not appear to care one whit for the good opinion of white foreigners. It sufficed for him if Haiti endured, whatever Europeans thought of her. Christophe, on the other hand, was extremely sensitive to foreign disapproval. Many of his official acts can

4. According to the testimony of Madiou, *op. cit.*, III, 216.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

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be explained only as efforts to win outside respect for his kingdom of blacks. He was aware of the scorn in which white people held the apparent absence of all sexual morality in Haiti, and so set about introducing reforms. Even as a general he had opposed the dissoluteness of Dessalines.

175 643 582 671 581 [595]

In an early pronouncement Christophe proscribes concubinage (by which he meant the unmarried unions of the people), libertinage, and "all those disorders which weaken the family." To proscribe an evil is not necessarily to put an end to it, however, and so he tried also to persuade and educate his people to the habit of full legal marriage. His steps at persuasion were various. In speeches he urged weddings upon his subjects; yet a man could see little reason for tying himself to one woman for life, assuming *legal* responsibilities at an expense, when already from experience he knew that he could have a woman's loyalty without the ceremony. Although weddings somewhat increased after 1806, Christophe's verbal campaign was a failure. He next tried force. In one town he made all the females assemble in the public square; then, separating the married from the unmarried, commanded his royal guards to advance, each to select an unmarried woman who should become his wife. At other times he selected young men and women by lot and had them married "by their King's authority." No nobleman in the kingdom could long remain unwed: indeed, Queen Victoria might have approved Christophe's solicitude for the moral uprightness of the Haitian court.

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Another means by which Christophe forced his people into formal marriage was the indirect one of attacking property rights. Realizing that Dessalines' law by guaranteeing inheritance to natural children encouraged people to remain unmarried, he rescinded it by one of the first acts of his rule.[5] This act reëstablished French practice, making it all but impossible for illegitimate children to inherit anything. Most persons of property found this law persuasive where words had left them cold. Madiou thought the law "excessively severe in a country where nine hundred and ninety-nine out of every thousand of the population were born out of wedlock,"[6] and he spoke of its disharmony with general practice at the time. Actually, it seems not radically to have affected the masses but only the fairly well-to-do.

5. Law of March 25, 1807.
6. Madiou, *op. cit.*, III, 431.

3: Leyburn Z-4, 5 (no date) 1966
SV3 Haiti SV3

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The *Royal Almanac* for the year 1814 touches proudly upon the moral state of the kingdom. The author of the almanac, the Comte de la Limonade, says: "Great attention is paid to morals and manners. Marriage is honored, protected, and encouraged; no Haitian who is unmarried can fill any place of distinction. Divorce is not permitted." All this was true; yet the mass of Haitians still remained unmarried. Nevertheless, the quotation indicates the extent to which Christophe had gone in his effort to reform marriage and morals among his people; to set them in the European tradition and draw them out of their African and colonial backgrounds.

While Christophe was trying to effect reforms in the North, Pétion was accepting his Southern folk as they were. Hardly a law during his twelve-year administration touches the subject of marriage. The élite colored people continued to make proper legal marriages and so insure the inheritance of their legitimate children. The common folk lived their family lives without weddings, and if property questions arose, custom ruled, backed by public opinion in their little communities.

Such are the backgrounds out of which modern Haitian sex relations have developed. From African tradition came family life, the importance of property to stabilize a union, insignificance of a wedding ceremony, familiarity with matrilineal kinship and descent; from French colonial practice, formal marriage to establish a family with social ambition, casual sex relations for pleasure outside this marriage, the claim of legitimate children to all property (in contrast to folk custom, where few legitimate children were born); from Dessalines, an emphasis upon the African tradition and realism; from Christophe, an insistence upon strict French practice in marriage and in the passage of property.

From among these alternatives Haiti made a choice which is an excellent example of what Keller calls "automatic selection in the mores."[7] There was no congress to select one procedure rather than another. Because Pétion and Boyer followed a *laissez-faire* policy in social matters, the people took the path of least resistance.

7. A. G. Keller, *Societal Evolution* (revised ed., New York, 1931), chaps. IV and V.